

Message Text

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PAGE 01 STATE 027786

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ORIGIN PM-03

INFO OCT-01 DODE-00 L-02 EUR-12 EA-06 CIAE-00 INR-07

NSAE-00 ISO-00 /031 R

DRAFTED BY: PM/ISO: FJFLEMINGS/SAFGC:MR ALLEN

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OSD/ISA/EUR -COL WALLACE

L/PM - MR BOREK

EUR/WD - R P GALLAGHER

OSD/ISA/EA - MR RIDGE

ED/APN - MR MICHAUD

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P 062258Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY ROME

AMEMBASSY WELLINGTON PRIORITY

INFO ADC ENT AFB COLO PRIORITY

14TH AEROF ENT AFB COLO PRIORITY

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C O R R E C T E D C O P Y (LINE 4, PARA 2 - SHOULD READ 1968
VICE 2968. LINE 5, PARA 2 OMITTED)

E.O. 11652: GDS

TAGS: MARR, TSPA, NZ, IT

SUBJECT: CIVILIAN OPERATION OF BAKER-NUNN STATIONS

REFS: (A) STATE 264607; (B) WELLINGTON 3773.

1. SINCE DISPATCH OF REF A, USAF HAS DETERMINED THAT
BECAUSE THE INITIAL PRODUCTION CONTRACTOR FOR THE
BAKER-NUNN CAMERA, JOESPH A. NUNN AND ASSOCIATES, HOLDS
PROPRIETARY DATA RIGHTS TO THE BASIC CAMERA SYSTEM, USAF
IS LIMITED TO SOLE SOURCE (SOLICITATION OF PROPOSAL
FROM NUNN AND ASSOCIATES FOR O AND M OF THE BAKER-NUNN
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STATIONS AT MT. JOHN AND SAN VITO. ACCORDINGLY,

EMBASSIES ARE REQUESTED TO ADVISE RESPECTIVE GOVERNMENT AUTHORITIES THAT FOR THIS REASON USAF IS UNABLE TO SOLICIT BIDS FROM NEW ZEALAND OR ITALIAN FIRMS.

2. FOR WELLINGTON: IN EVENT GNZ TAKES POSITON ANTICIPATED BY EMBASSY IN PARA 4 REF B, EMBASSY SHOULD REPLY THAT USG CONSIDERS ONLY PARAS 4 (CRIMINAL JURISDICTION) AND 5 (CLAIMS) OF 1968 BAKER-JUNN MOU (TIAS 6539) INAPPROPRIATE FOR CONTRACTOR OPERATION OF FACILITY. US MILITARY AUTHORITIES HAVE NO CRIMINAL JURISDICTION OVER CONTRACTOR PERSONNEL AND US LEGISLATION DOES NOT AUTHORIZE USG PAYMENT OF CLAIMS ARISING FROM THE ACTIVITIES OF CONTRACTOR PERSONNEL. THE CONTRACTOR MAY BE REQUIRED TO OBTAIN LIABILITY INSURANCE TO COVER SUCH CLAIMS HOWEVER.

3. ON THE OTHER HAND, USG CONSIDERS PARA 3 OF MOU, DEALING WITH TAX, FISCAL AND OTHER EXEMPTIONS FOR US PERSONNEL, ENTIRELY APPROPRIATE FOR ADAPTATION TO CONTRACTOR OPERATION OF FACILITY WHERE CONTRACTOR AND CONTRACTOR PERSONNEL ARE US CITIZENS PRESENT IN NEW ZEALAND SOLELY FOR PURPOSES OF AGREEMENT. USG HAS SOUGHT AND RECEIVED SIMILAR TREATMENT FOR ITS CITIZEN CONTRACTORS AND CONTRACTOR PERSONNEL ELSEWHERE AND, IN EVENT CONTRACTOR OPERATION IS DETERMINED TO BE DESIRABLE, WOULD WISH SAME TO BE AFFORDED IN AMENDED AGREEMENT WITH GNZ. EXEMPTION FROM NEW ZEALAND INCOME TAXATION WOULD NOT, OF COURSE, BE APPROPRIATE IN CASE OF NEW ZEALAND EMPLOYEES OF CONTRACTOR SINCE THEY WOULD NOT BE IN NEW ZEALAND SOLELY IN CONNECTION WITH BAKER-NUNN PROGRAM AND SINCE PAYMENT OF SUCH TAXES IS NORMAL OBLIGATION OF SUCH PERSONS.

4. REQUEST STATUS REPORT ON GNZ POSITON ON CONTRACTOR OR CIVILIAN OPERATION OF MT. JOHN FACILITY.

5. FOR ROME: REQUEST REPLY TO REFTEL A.
KISSINGER

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NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EMPLOYMENT, PERSONNEL, MONITORING FACILITIES, CONTRACTS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 FEB 1975
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE027786
Document Source: CORE
Document Unique ID: 00
Drafter: PM/ISO: FJFLEMINGS/SAFGC:MR ALLEN
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750044-0811
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750265/aaaacgjr.tel
Line Count: 99
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 264607, 75 WELLINGTON 3773
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 04 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 JUN 2003 by ElyME>; APPROVED <14 OCT 2003 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVILIAN OPERATION OF BAKER-NUNN STATIONS
TAGS: MARR, TSPA, NZ, IT, BAKER-NUNN CAMERA
To: ROME WELLINGTON
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006